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Patent Application
Attorney Docket No.PC10609ABTC

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By Janice M. Denson
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BLUMENKOPF, ET AL.

Examiner: Balasubramanian, V.

APPLICATION NO.: 09/732,669

Group Art Unit: 1624

FILING DATE: DECEMBER 8, 2000

TITLE: PYRROLO[2,3-D]PYRIMIDINE COMPOUNDS

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir:

Response

This document responds to the Office Action in the above case mailed August 29, 2001. A Petition for an Extension of Time, requesting a three month extension of time accompanies this document.

Claims 1-26 are pending in the application.

In the Official Office Action, the Examiner restricted the claims under 35 U.S.C. §121, to one of the following inventions:

I. Claims 1-20, drawn to compound of formula I, classified in class 544, subclass 280.

II. Claims 21-26, drawn to pharmaceutical compositions for several intended uses and multiple method of uses of compound of formula I, classified in class 514, subclass 258.

Applicants elect to prosecute, with traverse, group I.

In the Office Action, the Examiner further restricted the claims, under 35 U.S.C. §121, by requiring the election of a single species.

Applicant provisionally elects to prosecute the species: 3-{4-methyl-3-[methyl-(7H-pyrrolo[2,3-d]pyrimidin-4-yl)-amiono]-piperidin-1-yl}-3-oxo-propionitrile readable upon claims 1, 2, 19 and 20.

The subject matter of claim 1 should be allowed to be prosecuted in the same application because it is improper to restrict the subject matter of an individual claim under 35 U.S.C. §121. An applicant for a patent has the right to define what he regards as his invention, so long as his definition is distinct, as required by the second paragraph of 35 U.S.C. §112, and supported by an enabling disclosure, as required by the first paragraph of 35 U.S.C. §112. In Re Harnish, 206 U.S.P.Q. 300, 305 (CCPA 1980). He also has a right to have each claim examined on the merits. In ReWeber, Soder and Boksay, 138 U.S.P.Q. 328,